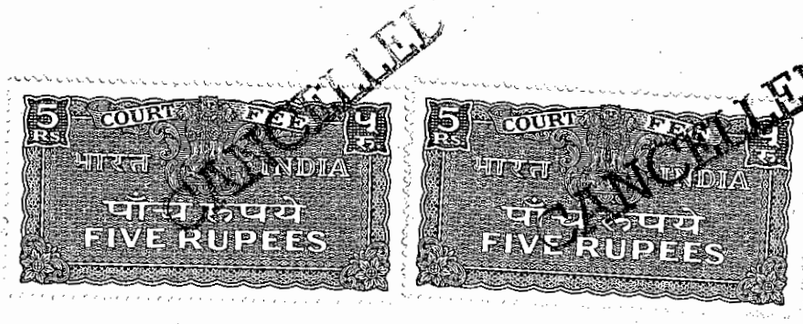

1
3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 2441 /2004

PETITIONER : Smt. Sita Bai Agrawal, @ Smt. Sita Devi Agrawal aged about 68 years, W/o. Shri Shyam Kishore Agrawal, Occupation Agriculturist, R/o. Village Saloni, P.H.No. 134, Tahsil Abhanpur, District Raipur (C.G.) at present R/o. Purani Basti, Turi Hatari, Raipur (C.G.)

P.R. No. 2430/04
Presented by Shri S.R. Sahu
Dated 27/8/04

VERSUS

RESPONDENTS :1. The State of Chhattisgarh Through the Collector, Raipur (C.G.)

2. The Gram Panchayat Singarbhata Post Seoni, Tahsil Abhanpur, District Raipur (C.G.)

3. Harish Chandrakar, aged 45 Years, Sarpanch, S/o. Mohan Lal Chandrakar, Occupation Agriculturis Village Singarbhata, Tahsil Abhanpur, District Raipur (C.G.)

शपथ आयुक्त
रायपुर (छ.ग.)
27/8/04

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 2441/ सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10.09.2004 Shri Ratan Pusty, counsel for the petitioner. Shri N.K. Agrawal, Deputy Advocate General for the State/ respondent No.1. The petitioner has preferred this writ petition under Article 227 of the Constitution of India, being aggrieved by the order dated 12.07.2004 passed by the Additional District Judge, Raipur in Civil Suit No.6-A/03 (Annexure P-9), whereby the application filed by the petitioner herein to reject the Commissioner's report dated 18.01.2004 has been rejected. From the record, it appears that on the request of the petitioner herein the Revenue Inspector of the area was appointed at Commissionaire under Order 26 Rule 9 of the C.P.C. for inspection of the site and to submit his report to the effect that whether the land on which the road has been constructed belongs to the State Government or the petitioner. The Commissioner in pursuance to the Court order submitted a report against which the petitioner herein moved an application for rejecting the same on several grounds that he being a Government servant has not prepared the report in a fair manner, he prepared the report without going on the site, also without giving opportunity to the petitioner, without looking into the record and without following the procedure envisaged under the Revenue Code & Patwari memo. I have heard learned counsel for the petitioner and perused the impugned order.	

[पीछे देखिये

GRPRJ—I

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(62)

आदेश पत्रक

मामला क्रमांक W.P. 2441/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The learned trial Court has correctly held that if the petitioner herein has any objection on the report, she will be entitled to call the Commissioner to appear in evidence and to cross examine the Commissioner. Even otherwise, the petitioner herein is entitled to prove by her evidence that the Commissioner's report is not correct.

Therefore, I am of the opinion that the trial Court has not committed any illegality or infirmity in passing the impugned order. I do not find any reason to invoke extra ordinary jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order. Therefore, the instant writ petition is dismissed at the admission stage itself.

Consequently, M.(W.)P.No.2156/2004 and I.A.No.5477/2004 stand disposed of.

Sd/-
L.C.BHADOO
Judge

Uma/ Padma

16.9

[पीछे देखिये